85-265

No. _____

Supreme Court, U.S.
FILED
JUL 5 1985
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE
UNITED STATES

October Term, 198__

Robert C. Hallstrom, et als,
The People of the State of Idaho,

Appellants,

vs.

T. W. Stivers, et als.,

APPELLEES

On Writ of Certiorari from the
Supreme Court of Idaho

JURISDICTIONAL STATEMENT

ROBERT C. HALLSTROM
In Proper Person
P. O. Box 9411
Boise, Idaho 83707
(208) 375-3425

QUESTIONS PRESENTED

1. Were the rights of appellants violated by the Supreme Court of Idaho, a court which is bound to execute an act repugnant to the constitution of a particular state (Eakin v. Raub, 12 S & R (Pa.) 345), when they failed to issue the writ supported by oaths and asseverations.

2. Were the due process rights of appellants violated when the Idaho State Supreme Court summarily and arbitrarily denied a Writ of Mandate without, as a minimun, a hearing, when the pleadings contain positive proof, by sworn affidavit, that the allegations in the writ are valid.

3. Were the equal protection rights of appellants violated when the legislature of the State of Idaho became immune by judicial edict of the State Supreme Court from obeying the mandates of the constitution when the citizens themselves

are held to the mandates of the Constitution.

4. Has the right of appellants to a republician form of government been denied by the Supreme Court of Idaho, who protected and clothed the legislature with the power to annul or evade the state constitution by the denial of the writ in the face of overwhelming evidence.

5. Were the Privilege and Immunity rights of Appellants violated by the summary denial of the Writ of Mandate without affording Appellants the opportunity for a hearing and/or the issuance of a writ when the evidence is beyond any reasonable doubt.

6. Were the property rights (to submit an action and have a remedy) of appellants violated by the arbitrary summary denial of a writ of mandate when it is the only remedy for a violation of law.

7. Were the rights of appellants violated by the arbitrary and summary denial of the writ of mandate because the Supreme Court of Idaho failed to compel the legislature to perform in accordance with a constitional provision, a plain and palpable violation of the constitution.

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DENIAL BELOW

The denial of the Supreme Court of Idaho is reproduced herein as Appendix "A".

GROUNDS OF JURISDICTION OF SUPREME COURT

This writ arises from the denial of appellants' petition for a Writ of Mandate which was summarily denied, without a hearing, by the Supreme Court of Idaho. The denial order of the Supreme Court of Idaho was entered on the 4th day of April, 1985. Appellants submitted a MOTION FOR RECONSIDERATION and SUPPORTING BRIEF with the clerk of the Supreme Court of Idaho on the 11th day of April, 1985. This motion was also summarily denied on the 30th day of April, 1985. A copy is reproduced herein as Appendix "B".

A Notice to Appeal to the Supreme Court of the United States was filed timely on the 3rd day of May, 1985, with the clerk of the Supreme Court of the State of Idaho.

A copy is reproduced herein as Appendix "C".

Appellants submitted a writ of error timely to the Clerk of the Supreme Court of the United States (certified, return receipt requested), which was received and filed by the court on the 5th of July, 1985. Writ was returned for the reasons outlined by an assistant clerk of the court, which reasons are enumerated upon in the reproduced letter at Appendix "D".

Appellants made those corrections and again mailed (certified, insured, return receipt requested) the case to the clerk of the court, which was received and stamped as filed on the 26th of July, 1985.

The first page of the original pleading has been copied and is enclosed herein as Appendix "E". Timeliness is preserved under Rule 33.7.

The jurisdiction of this court is invoked under the provisions of Title 28, United States Code, Section 1257 (2).

APPLICABLE CONSTITUTIONAL PROVISIONS AND STATUTES

Article IV, Section 1, of the United States Constitution states:

> "The Citizens of each state shall be entitled to all privileges and immunities of Citizens in the several states."

Article IV, Section 4, of the United States Constitution states:

> "The United States shall guarantee to every state in this union a Republican Form of Government,..."

Fifth Amendment to the Constitution reads, in part, as follows:

> "...nor be deprived of life liberty, or property, without due process of law;..."

Section 1 of the Fourteenth Amendment to Constitution reads, in part, as follows:

> "...nor be deprived of life liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal

protection of the laws."

Article III, Section 15, of the Idaho State Constitution states, in part, as follows:

> "...nor shall any bill become a law unless the same shall have been read on three several days in each house previous to the final vote thereon: provided, in case of urgency, (2/3) of the house where such bill may be pending may, upon a vote of the yeas and nays, dispense with this provision. On the final passage of all bills, they shall be read at length, section by section,..."

Idaho Code, Section 7-303, states as follows:

> "The writ must issue in all cases where there is not a plain, speedy and adequate remedy in the ordinary course of law. It must be issued upon affidavit, on the application of the party beneficially interested."

CASES SUPPORTING JURISDICTION

Bacon v. Texas, 163 U.S. 207

Clough vs. Lewis, 134 U.S. 361, 371

Haines v. Kerner, 404 U.S. 519, 520

New Orleans Waterworks Co. v. Louisiana Sugar Refining Co., 125 U.S. 18

STATEMENT OF THE CASE

This case arises from an original action (Writ of Mandate) filed with the Idaho State Supreme Court, which was denied summarily without any hearing.

The necessity for a writ arose as a result of Appellants' observation that both Houses of the Idaho State Legislature were not complying with the provisions of the Idaho State Constitution, which states:

> "...nor shall any bill become a law unless the same shall have been read on three several days in each house previous to the final vote thereon: provided, in case of urgency, (2/3) of the house where such bill may be pending may, upon a vote of the yeas and nays, dispense with this provision. On the final passage of all bills, they shall be read at length, section by section,..." (Emphasis added) Article III, Section 15, Idaho State Constitution

There are three continual violations of this Constitutional provision:

1. Urgency is not addressed in dispensing with the first and second readings.

2. No vote is taken to dispense with the first or second readings.

3. Bills are not read at length, section by section, on the 1st, 2nd, or 3rd reading.

FIRST AND SECOND READINGS

These violations occur as an omission of the constitutional provisions, "in case of urgency" and "two-thirds...may, upon a vote." The provision of this mandate is clear. The first and second reading must come to pass for each and every bill except "in case of urgency," and then only upon a 2/3 vote regarding each bill. Appellants have watched the House procedures for several years and Appellants have yet to hear any member state that the first or second readings should be dispensed with

because of some urgency; nor has any vote ever been taken to Appellants' knowledge.

It is standard procedure for one of the journal clerks to simply read the titles and the subject of the bill on the first reading, and only the titles on the second reading; then the Speaker moves the proceedings to the next order of business. Urgency is never addressed, nor is there ever a vote. A good example of this can be found in the proceedings on the 31st day of January, 1985, at approximately 11:27 a.m., when the Journal Clerk read the titles of three bills (H 30, 43, & HCR 13) on the second reading. After the titles were read, the Speaker moved to the next order of business.

The same thing happened on February 1, 1985, with Bills H 50, H 66, and H 69; February 4th with Bills HCR 15, and H 19; February 5th with H 70, 71, 56, HCR 16, HJM 5, and Senate Bill 1020; February 6th with

H 63; February 7th with H 55, 33, 58, SCR 103, and HCR 13; February 8th with H 53, 78, 93, 114, 109, 95, 22, 23, 39, 112, and HCR 12. The same violations occur daily and have been documented by asseveration or affidavit from witnesses, from the 5th of February, 1985, through and including the last day of the 1985 session.

Regarding the first reading, the Journal simply states:

HOUSE BILL NO. (ACTUAL NUMBER)

BY (appropriate committee)

AN ACT

RELATING TO....."

On the second reading the Journal simply states:

> "(Bill number) by (appropriate committee), was read the second time by title and filed for the third reading." (Emphasis added)

In these cases the House Journal is correct and the Journal is prima facie evidence that the bills are not being read at length, section by section. As the

Journal plainly states, regarding the second reading, the bills are only read by title --- not at length, section by section.

In addition, the House Journal is silent on the issue of urgency and the required vote. The Journal does not address "urgency" nor does it contain any information about a vote because it never happens. The violation of law is that the House is not complying with the provisions of the Idaho Constitution, Article III, Section 15.

THIRD READING

The most glaring alteration or falsification of the Journal is during the proceedings for the third reading. The House Journal is in direct contravention with what actually happens on the floor of the House of Representatives. When the House meets, it is rare if any bill is ever "read at length, section by section." Not

reading the bills at length, section by section, constitutes a violation of Article III, Section 15, Idaho State Constitution. In addition, the House Journal incorrectly states that the bills were read at length, section by section; therefore, the House Journal (record) is being falsified or altered.

The current standing operating procedure in the House of Representatives during the third reading is as follows:

The Speaker:

> "The House has before it House Bill (# of bill). The Clerk will read the bill."

The sponsor of the bill rises and states the following, or words to this effect:

> "Mr. Speaker, I would request unanimous consent to dispense with the further reading of the bill."

The Speaker then states:

> "You have heard the request, are there any objections? There being none, the gentleman/lady may open debate."

Debate is heard on the bill and the vote is taken. The bill was not "read at length, section by section," and yet the House Journal states:

> "H (number of bill) was read for the third time at length, section by section, and placed before the House for final consideration."

Every entry, where the House Journal reflects that a bill has been read at length, section by section, when in fact it has not been read at length, section by section, constitutes an alteration and/or falsification of the House Journal and a violation of the Idaho State Constitution.

ADMINISTRATIVE REMEDIES

Having observed, along with other witnesses, these errors in proceedings and alterations/falsifications of the Journal, Appellants took administrative steps to resolve the problem. Appellants prepared a personal letter to the Speaker of the House, Mr. Stivers; the Chairman, Committee

on Judiciary, Rules, and Administration, Mr. Larry Harris; and the Chief Clerk, Phyllis Watson, outlining the problem with the record for the 29th, 30th, 31st of January; the 1st, 4th, 5th, 6th, 7th; and the 8th of February, 1985, in addition to most other days of the session, and asking that these errors be corrected.

On February 6, 1985, Appellants provided every member of the House with a letter explaining their responsibility to insure the provisions of Article III, Section 15, are followed. The House continued to be monitored on a daily basis, and affidavits and testimony are available for almost every day the House was in session, which are not attached in the interest of brevity.

Also, on the 6th of February, 1985, Representative Winchester, addressing the full House and justifying his objection to

dispensing with the third reading of HCR 16, stated:

> "We all know that the Constitution requires the reading of all bills at length..."
>
> (NOTE: During the entire 1985 session there were only two bills read at length, section by section on the third reading)

Even though it has been brought to their attention, neither the procedure on the floor of the House nor the Journal has been corrected as of this date. Appellants continued to monitor the proceedings of the House and the House Journal on a daily basis, and were prepared to provide evidence by testimony, and through subpoena power bring the representatives into court to prove the falsification/alteration of the House Journal for most days of the past session.

Since it appeared that the actions of those responsible for keeping the House Journal are also in violation Idaho Code,

Sections 18-1701, 18-3201, and 18-3205, Appellants furnished the Attorney General a letter dated February 12, 1985, requesting an investigation. Appellants received no reply from the Attorney General nor was an investigation conducted.

Since Appellants had notified The Speaker of the House, the Chairman, Judiciary, Rules and Administration Committee, the Chief Clerk of the House of Representatives, the Attorney General, and every member of the House of Representatives individually and received no explanation for these constitutional violations nor an adequate remedy, Appellants exhausted all administrative remedies.

WRIT OF MANDATE

Since the members of the House of Representatives refused to respond, Appellants submitted a Writ of Mandate to

the Idaho State Supreme Court on the 12th day of March, 1985. Pleadings were 22 pages in length and attached were 26 affidavits and asseverations attesting to the validity of the acts alleged covering the period 5-27 Feb. of that session. Appellants have additional statements from 27 February through the end of the session. In addition the acts have been recorded on audio and vidio. Appellants submitted overwhelming evidence to the State Supreme Court which requires the writ to issue.

Notwithstanding the common law, even the Idaho Code states:

> "The writ must issue in all cases where there is not a plain, speedy and adequate remedy in the ordinary course of law. It must be issued upon affidavit, on the application of the party beneficially interested." (Emphasis added) Idaho Code 7-303

Yet the Supreme Court of Idaho failed to issue the writ knowing full well that a writ is appropriate when the legislature fails to perform in conformance with the

Idaho Constitution. The court has already ruled that the legislature has no power to dispense with the Constitutional provisions for the reading of bills. The issue was previously addressed by the Idaho Supreme Court, when they stated:

> "And while the House in which the bill is pending may, 'in case of urgency,....upon a vote of the yeas and nays,' dispense with the first two readings in full, yet, 'on the final passage, of all bills they shall be read at length section by section,' and no bill can become a law unless it was so read on final passage. The legislature has no power to dispense with the final reading, section by section." (Emphasis added) Brown v. Collister, 5 Idaho 589, (1897)

Yet not one day went by when the House and the Senate did not violate the Constitutional provisions for the third reading of bills.

Appellants clearly exhausted all other remedies and supported the writ by affidavit and asseverations; therefore, the writ should have issued. However, twice

said Writ has been summarily denied without a hearing.

SUBSTANTIALITY OF FEDERAL QUESTION

This Writ presents an important and substantial question of the first impression, as hereinafter described, in that the issue it presents is the constitutionality of denying the people of the state the ability to bring an action against the legislature when they do not perform in accordance with the constitution, and denies the people due process of law in that no hearing was set, which denies the people their day in court.

Appellants were never afforded the opportunity for a hearing to establish significant federal questions and, as the result of the denial of the Writ, the United States Supreme Court has become the first and only court to which Appellants can appeal.

Appellants maintain that there can be no violation of the law without a remedy, and all actions are appealable to at least one higher judicial body which is mandated to hear the issue, except when the United States Supreme Court exercises its original jurisdiction.

THE WRIT OF MANDATE

In order for a writ to issue, it need only be shown that:

1. A duty is imposed --- Mandamus does not lie to compel discretionary acts. Brashear v. Mason, 6 How 92. However, in this case, the duty in question is not discretionary but constitutionally mandated and Appellants established that a duty exists in the basic pleading.

2. Petitioner has the right to demand performance --- Any citizen has a natural right to expect his elected officials to obey the law; therefore any citizen who

observes the disobedience of the law has a right to demand performance.

Appellants recognize that a Writ of Mandate cannot generally be demanded as a matter of right, and is awardable at the discretion of the court. However, where a clear legal right to a writ is shown, the court has no discretion about granting it. Illinois Central R. Co. v. People, 143 Ill 343, 33 N.E. 173.

In addition, it has been ruled that a citizen has the right to a writ of mandate to compel public officers to perform statutory duties, even though the details of such performance are left to their discretion. Beem v. Davis, 31 Idaho 730.

3. Petitioner has made the demand --- Appellants made numerous demands as outlined in the basic pleading.

4. Respondant has the ability to comply --- There can be no doubt that

Appellees have the capacity to perform as the law demands.

5. There is no other plain, speedy, and adequate remedy --- Appellants have appealed to all persons concerned; The Speaker of the House; the Chairman, Judiciary and Rules Committee; the entire body of the House; and the chief clerk of the House. Appellants have even informed the Attorney General for the state of possible criminal violations of law.

Appellants have also searched the Idaho Code from beginning to end and there is no remedy provided by statute. There are no provisions for malfeasance or misfeasance of office. By statute, the legislatures have made themselves immune from civil liability and also exempt from perjury.

Clearly a Mandamus lies to compel the performance of a statutory duty when it is clear and indisputable and there is no

other legal remedy. Baynard v. U.S., 127 U.S. 24 If a mandamus lies to compel a mere statutory duty, a mandamus lies to compel a constitutional duty.

A Mandamus is an extraordinary remedy in cases where the usual and ordinary modes of proceeding are powerless to afford remedies to the parties aggrieved, and when without its aid, there would be a failure of justice. Virginia, T & C. Steel & Iron Co., v. Wilder, 14 S.E. 806 In this case there is no ordinary modes that have not already been attempted and with the summary denial of the writ, there is also a failure of justice.

It has also been stated that:

> "It (mandamus) ought to be used upon all occasions when the law has established no specific remedy, and where, in justice and good government there ought to be one. If there be a right, and no other specific remedy, the writ should not be denied." Lord Mansfield in Rex v. Barker, 3 Burr. 1265. See also Lord Ellenborough in Rex v. Archbishop of Canterberry, 8 East 219.

As stated earlier, there is no statutory remedy and there plainly ought to be one; thus the writ should have issued.

The writ of mandamus is the supplementary remedy when the party has a clear right, and no other appropriate redress, in order to prevent a failure of justice. 12 Petersd. Abr. 438 (309). Appellants have a clear right to expect their elected officials to perform in accordance with the Idaho Constitution and when they fail to so perform the writ of Mandamus must be issued.

Mandamus may be resorted to whenever an officer or person refuses to perform a duty enjoined upon him by law. Stein v. Morrison, 9 Idaho 426. All persons involved have failed to perform in compliance with the Idaho Constitution and the Mandamus must be issued.

Mandamus will not normally issue to interfere with normal executive and

legislative functions, but will issue when they refuse to perform a mere ministerial duty. U. S. v. Raum, 135 U.S. 200; U. S. v. Blaine, 139 U.S. 306; Roberts v. U. S., 176 U.S. 230. The duties, in this case are not "normal functions" which are performed at the discretion of the legislative body; these are constitutionally required duties. If a mandamus can issue to compel the legislature to perform mere ministerial duties it therefore lies for constitutional duties. As stated previously, even the Idaho Code states:

> "The Writ must be issued in all cases where there is not a plain, speedy and adequate remedy in the ordinary course of law." Idaho Code, 7-303.

Therefore, since there is no other remedy, a mandamus should issue.

LEGISLATIVE IMMUNITY

The Idaho State Supreme Court may have been concerned about a mandate being issued to alter the proceedings of legislative

bodies by operating on officers of such bodies. It is well recognized that:

> "One branch of the government cannot encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule." Sinking Fund Cases, 99 U.S. 700, 718.

However, Appellants have not asked the court to "encroach on the domain" of the legislature; it asked the court to enforce the Constitution of the state of Idaho. Legislative bodies pass unconstitutional laws all the time, which are encroachments upon the constitution. However, the legislature is not mandated to correct unconstitional laws, that is the responsibility of the Judiciary. The Judiciary has the responsibility to look at unlawful actions of legislative bodies, otherwise the legislative body becomes: --- The KING, and the Judiciary its puppet. The Supreme Court of the United States has stated:

"It is not one of the functions of a court to make up the records of the proceedings of legislative bodies. Nor can it be required, in a case not involving the private interests of parties, to determine whether particular bodies, assuming to exercise legislative functions, constitute a lawful legislative assembly. Such a question might indeed arise in a suit depending upon an enactment passed by such an assembly. And it might be that, in a case of that character, and under some circumstances, the court would be compelled to decide whether such an enactment was passed by a legislature having legal authority to enact laws. How far in the decision of such a question the judiciary would be concluded by the record of the proceedings of those bodies, deposited by the person whose duty it was to keep it with the officer designated by law as its custodian, are questions we have no occasion at this time to consider." (Emphasis added) Clough v. Curtis, 134 U.S. 361, 371.

Appellants would like to remind the Court that Petitioners were not disgruntled members of the legislative body. The issue before the Court is not one of an administrative squabble between members such as was presented in Clough v. Curtis.

Appellants are private citizens and claim beneficial interests in defeating

enactments passed by the House of Representatives who have usurped the Constitutional mandates of a legislative assembly. Every enactment passed by the House may be applied to Appellants, and if so applied, is not law as it has not been passed in compliance with the constitutional mandate.

The question is squarely before the Court and the issue and the time is ripe for consideration. The Court has a duty to envoke its jurisdiction in this case because it involves the private rights of every citizen in the state.

The words of Supreme Court Justice Brandeis are very appropriate in this matter when he stated:

> "Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupuously. Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole

> people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justfies the means....would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face." Justice Brandeis, in Olmstead v. United States, 277 U.S. 438, 485. (1928).

Since the facts in this case were proven in the original pleadings and cannot be refuted, the Idaho State Supreme Court has simply shirked their sworn duty, or have denied the writ because they are dependent upon the legislature for funds and therefore do not want to rock the boat. Their summary denial, without a hearing of the writ, reminds Appellants of the words of Chief Justice Marshall, who once stated:

> "I have always thought from my earliest youth, 'till now, that the greatest scourage an angry heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or dependent Judiciary." Chief Justice John Marshall

When the judiciary fails to accept its responsibility and meet constitutional violations head on, then justice is dead and the country will soon follow.

"....fallen, fallen is Babylon..."
Rev 18:2

"Arise, O God, judge the earth..."
Psalms 82:8

CONCLUSIONS

The record clearly established that:

1. Every member of the House of Representatives and the Chief Clerk were aware of the Constitutional requirement for reading bills and maintaining the House Journal.

2. The Chief Clerk, on a daily basis, prepared a fraudulent Journal by willfully and knowingly falsifying or altering, or otherwise making entries upon the Journal which were contrary to the actions that actually transpired on the floor of the House.

3. The House Judiciary, Rules and Administration Committee Chairman and committee members, on a daily basis, presented a falsified and/or altered House Journal to the full body of the House for general approval.

4. The entire House body had been made individually aware of the Constitutional provision, and willfully and knowingly ignored said provisions, and therefore approved by voice vote, on a daily basis, a House Journal they knew to be false or altered.

5. In addition, the fraudulent keeping of the House Journal is an act in direct contravention with their oath to support and obey the Constitution of the State of Idaho. Their actions also constituted a breach of contract with their electorate.

6. Appellants were denied an opportunity for a hearing, and therefore

subpoena powers which would have produced direct testimony from members of the legislature, providing further proof that every member of the House of Representatives was aware of the constitutional provisions, and that the proceedings during the last session violated the supreme law of the State of Idaho.

7. Appellants proved beyond any reasonable doubt, by statements of fact supported by affidavits and asseverations in the original pleadings submitted to the Idaho State Supreme Court, that the legislative body of the State of Idaho violated the Idaho State Constitution on a daily basis, and therefore the Idaho State Supreme Court should have issued the writ.

8. The Idaho State Supreme Court failed in their duty to issue a writ that was properly supported.

9. The summary action by the Idaho State Supreme Court has left the citizens of Idaho without a remedy within the state to rectify constitutional violations by any member of the executive, legislative, or judicial branches of government.

Appellants are aware that the Court normally will not decide state constitutional issues. However, the issue before the court is not one pertaining to the the constitutionality of the acts complained of, as the Supreme Court of Idaho failed to rule on the constitutionalty of the issue.

It could be argued that the writ cannot issue because the legislature is no longer in session. By that logic a writ would never issue, as the Court would simply hold the writ until the legislature ends its session, then deny the writ. In addition, all the laws that were not read

at length are invalid, ab initio, as they were not read at length, section by section, on the third reading and there would never be a remedy to reverse those laws nor compel the legislature to comply with the constitution.

In this case the people of the state of Idaho have been deined their day in court; they have been denied an action to prevent constitutional violations; they have been denied a hearing; they have been denied subpoena powers; they have been denied privileges and immunities; they have been denied a republican form of government; and finally they have been denied due process of law.

By denying the writ, the Idaho Supreme Court has denied the people of the state a remedy in those instances when public officials (executive, legislative and judicial) are not complying with the Supreme law of the land.

When the state courts refuse to even hear Constitutional issues, the United States Supreme Court must intercede and order the state courts to, as a minimum, hear the issue in order to protect the rights of the citizens of the states.

Appellants have been denied their day in court and the Idaho State Supreme Court has abrogated is prime function -- that of protecting the rights of citizens as:.

> "A state court is bound to execute an act repugnant to the constitution of a particular state,..." Eakin v. Raub, 12 S & R (Pa.) 345 (1825)

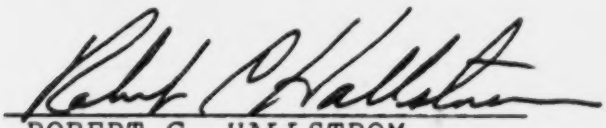
Therefore, the United States Supreme Court must exercise its jurisdiction in this case or lawlessness will reign supreme in Idaho. If it will not, then the Constitution of the State of Idaho needs to be pronounced dead by the coroner and we can give our constitution a proper burial.

> "And I will restore thy judges as at the first, and thy counsellors as at the beginning:..." Isaiah 1:26

NOW OH LORD! NOW!

Dated this 12th day of August, 1985.

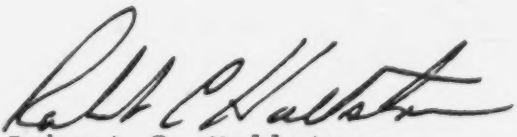
Respectfully Submitted,



ROBERT C. HALLSTROM
IN PERSON

CERTIFICATE OF SERVICE

I, the undersigned, do HEREBY CERTIFY that I delivered a true and correct copy of the foregoing document on this 12th, day of August, 1985, by hand to the Supreme Court for the State of Idaho. Service has not been made upon the Defendants as they have have never been required to answer the writ because the State Supreme Court denied the writ summarily.



Robert C. Hallstrom
In Person
P. O. Box 9411
Boise, Idaho 83707

APPENDIX "A"

IN THE SUPREME COURT OF THE
STATE OF IDAHO

Robert C. Hallstrom, et al., Petitioners,	)	ORDER
	)	15925
v.	)	Ref. No. 85-48
T.W. Stivers, et. al., Respondants.	)	

A PETITION FOR WRIT OF MANDATE having been filed on March 12, 1985; and the Court being fully advised; therefore, after due consideration,

IT IS HEREBY ORDERED that the PETITION FOR WRIT OF MANDATE be, and hereby is, DENIED.

DATED this 4th day of April, 1985.

By Order of the Supreme Court

/s/ Frederick C. Lyon
Frederick C. Lyon, Clerk

cc: Counsel of Record

APPENDIX "B"

IN THE SUPREME COURT OF THE
STATE OF IDAHO

Robert C. Hallstrom, et al.,	)	ORDER
Petitioners,	)	15925
v.	)	Ref. No. 85-48
T.W. Stivers, et. al., Respondants.	)	

The Petitioner having filed a MOTION FOR RECONSIDERATION and SUPPORTING BRIEF on April 11, 1985 of the Order of this Court issued April 4, 1985; and the Court being fully advised; therefore, good cause appearing,

IT IS HEREBY ORDERED that the Petitioner's MOTION FOR RECONSIDERATION be, and hereby is, DENIED and this proceeding is CLOSED.

DATED this 30th day of April, 1985.

By Order of the Supreme Court

/s/ Frederick C. Lyon
Frederick C. Lyon, Clerk

cc: Counsel of Record

APPENDIX "C"

IN THE SUPREME COURT OF THE
STATE OF IDAHO

ROBERT C. HALLSTROM, et als,	)	
PETITIONERS,	)	Case No. 15925
vs.	)	
T.W. STIVERS, et als	)	NOTICE TO APPEAL AND REVIEW
RESPONDANTS.	)	

COMES NOW the Appellant to give notice to the Idaho State Supreme Court, that Appellant will appeal the order of the Court No. 15925, Ref. No. 85-48 issued by the Court on the 4th day of April, 1985 and received by Appellant on the 8th day of April, 1985; and order No. 15925 issued by the court on the 30th day of April, 1985 and received by Appellant of the 2nd day of May, 1985, to the United States Supreme Court.

Dated this 2nd day of May, 1985.

Respectfully Submitted,

/s/ Robert C. Hallstrom
ROBERT C. HALLSTROM
In Proper Person
P. O. Box 9411
Boise, Idaho 83707
208-375-3425

CERTIFICATE OF SERVICE

I, the undersigned, do HEREBY CERTIFY that I delivered a true and correct copy of the foregoing document on this 3rd, day of May, 1985, by hand to the Supreme Court for the State of Idaho. Service has not been made upon the Defendants as they have have never been required to answer the writ as the State Supreme Court denied the writ summarily.

Robert C. Hallstrom
In Person
P. O. Box 9411
Boise, Idaho 83707

ROBERT C. HALLSTROM
P. O. BOX 9411
BOISE, IDAHO 83707
IN PROPER PERSON
208-375-3425

Office Supreme Court, U.S.
FILED
JUL 5 1985
ALEXANDER L. STEVAS
CLERK
RECEIVED
JUL 26 1985
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

_____ TERM, 1985

No. _____

ROBERT C. HALLSTROM, et als,

THE PEOPLE OF THE STATE OF IDAHO,

PETITIONERS/APPELLANTS,

vs.

T. W. STIVERS, SPEAKER OF THE HOUSE, et als.,

83 OTHER MEMBERS OF THE HOUSE OF REPRESENTATIVES

FOR THE STATE OF IDAHO, AND PHYLLIS WATSON,

RESPONDANTS/APPELLEES

JURISDICTIONAL STATEMENT